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EPA Files New Claim Alleging DuPont Withheld PFOA Information

Release Date: 12/06/2004

Contact Information:

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(12/06/04) Today, EPA filed a new claim against DuPont seeking penalties for withholding the results of human blood sampling information that demonstrates levels of perfluorooctanoic acid (PFOA) in individuals living near a DuPont Facility in West Virginia. The administrative complaint seeks penalties of up to \$32,500 per day from as early as Aug. 28, 2004 through Oct. 12, 2004, for failing to report this substantial risk information under the Toxic Substances Control Act (TSCA). EPA received this information, which should have been reported immediately by DuPont, several weeks after DuPont allegedly received the results. EPA has also filed a Motion to Consolidate this new Complaint with a previous Complaint filed against DuPont on July 8, 2004, so that the Agency may pursue both actions against DuPont in one proceeding before Administrative Law Judge Barbara A. Gunning.

At issue in this enforcement action is information that DuPont obtained and failed to report regarding blood serum analysis performed in July 2004 of 12 members of the general population living near DuPont's Washington Works Facility. Each of the 12 individuals tested was exposed to PFOA through drinking water provided by the Lubeck Public Service District where, according to DuPont, the level of PFOA in the drinking water has averaged approximately 0.5 parts per billion (ppb) over the last several years. All 12 of the individuals tested claim to have stopped using the contaminated public drinking water as their primary source of drinking water approximately three years ago. While the average background level of PFOA in individuals residing in the United States is estimated to be approximately 5 ppb, the documented levels of PFOA in these 12 individuals from West Virginia range from 15.7 ppb to 128 ppb, with a mean of 67 ppb.

The agency regards this information as useful in its ongoing priority review of PFOA. EPA has been closely studying PFOA for the past three years and will issue a draft risk assessment in early 2005. To learn more about the agency's study of PFOA, visit: <http://www.epa.gov/oppt/pfoa/>.

PFOA is associated with Ammonium Perfluorooctanoate (APFO), a synthetic processing aid in the manufacture of fluoropolymers, including some products at DuPont's Washington Works Facility in Washington, W.Va. The previous complaint against DuPont involved information about the movement of PFOA from a pregnant woman to her baby, and the contamination of public drinking water supplies in the vicinity of DuPont's Washington Works Facility. EPA's announcement of the first complaint was posted on July 8, 2004 in the News Releases section of <http://www.epa.gov/newsroom/> and is provided below:

To view the new complaint, visit: <http://www.epa.gov/compliance/resources/complaints/civil/mm/duPont2-pfoa-complaint.pdf>.

EPA Press Advisory: EPA Takes Enforcement Action Against DuPont For Toxic Substances Reporting Violations

News for release: (Washington, D.C. -- Thursday, July 8, 2004)

Contact: Cynthia Bergman 202-564-9828 / bergman.cynthia@epa.gov

(12/06/04) EPA's Office of Enforcement and Compliance Assurance (OECA) is taking an administrative action against E. I. DuPont de Nemours and Company (DuPont) for two violations of the Toxic Substances Control Act (TSCA) and one violation of the Resource Conservation and Recovery Act (RCRA). These violations consist of

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multiple failures to report information to EPA about substantial risk of injury to human health or the environment from a chemical during a period beginning in June of 1981 through March of 2001. Companies are required by TSCA to report such information immediately. EPA has the authority to seek a penalty of \$25,000 per day for violations occurring before January 30, 1997, and up to \$27,500 per day for violations occurring thereafter, for each day that DuPont failed to report the information. EPA alleges that DuPont did not submit to the Agency information the company had obtained regarding the synthetic chemical Perfluorooctanoic Acid (PFOA). PFOA is used in the manufacturing process for fluoropolymers, including some Teflon® products, at DuPont's Washington Works facility in Washington, West Virginia.

In 1981, the company observed PFOA in blood samples taken from pregnant workers at the Washington Works facility and at least one woman had transferred the chemical to her fetus. DuPont detected the chemical in public water supplies as early as the mid-1980s in West Virginia and Ohio communities in the vicinity of the Washington Works facility. By 1991 DuPont had information that the chemical was in water supplies at a greater level than the company's exposure guidelines indicated would be without any effect to members of the community. In 1997, DuPont failed to provide EPA with all toxicological information the company had regarding PFOA, despite an EPA request for such information under the terms of an EPA-issued RCRA permit. An attorney working on a class action suit on behalf of citizens in Ohio and West Virginia brought this information to the EPA in 2001.

The information that DuPont had obtained about PFOA was, and continues to be, pertinent to the Agency's ongoing work to better understand PFOA. Since April 2003, EPA has been working cooperatively with DuPont, 3M, other companies, and interested parties to develop the information necessary to better understand the sources and exposure pathways of PFOA. This public effort will lead to the development of information that will assist the Agency in determining what voluntary or regulatory actions, if any, would be appropriate to protect human health and environment. This rigorous scientific review will ensure that any future regulatory action on PFOA is protective of public health and supported by the best scientific information. EPA is working to complete a revised risk assessment, which will be released in Fall 2004 for public peer review by the Agency's Science Advisory Board. To learn more about the Agency's ongoing evaluation of PFOA, visit: <http://www.epa.gov/opptintr/pfoa/>.

To view the complaint, visit: <http://www.epa.gov/compliance/resources/complaints/civil/mm/duPont-pfoa-complaint.pdf>.

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Last updated on Wednesday, August 27, 2014

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